REMARKS

By the foregoing Amendment, Claims 1 and 4 have been amended, and Claims 5, 9 and 13 have been cancelled. Favorable consideration of the application is respectfully requested.

Claims 1-3 and 7 were rejected under the judicially created doctrine of obviousness-type double patenting in view of Claims 1-3 and 8-9 of U.S. Patent No. 6,577,102. The Examiner asserted that Claim 2 of U.S. Patent No. 6,577,102 recites the presence of a circuitry reporting the status of the external defibrillator. Claim 1 has been amended to recite "an indicator to continuously actively indicate an operative status of the first battery unit, the second battery unit, and the external defibrillator." It is respectfully submitted that the claims of U.S. Patent No. 6,577,102 do not recite an indicator to continuously actively indicate an operative status of the first battery unit, the second battery unit, and the external defibrillator. Further, Claim 1 recites "the second battery unit being electrically isolated from the first battery unit," and it is respectfully submitted that the claims of U.S. Patent No. 6,577,102 do not recite that a second battery unit is electrically isolated from a first battery unit. It is therefore respectfully submitted that the rejection of Claims 1-3 and 7 on the grounds of obviousness-type double patenting in view of Claims 1-3 and 8-9 of U.S. Patent No. 6,577,102 should be withdrawn.

Claims 1-4, 6-7, 9-11 and 13 were rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Benvegar et al. in view of Adams et al. Claims 9 and 13 have been

cancelled. Claim 1 recites "a second battery unit separate from the first battery unit for providing power to at least one non-energy delivery circuit of the battery pack during the alternate operating mode, the second battery unit being electrically isolated from the first battery unit; and an indicator to continuously actively indicate an operative status of the first battery unit, the second battery unit, and the external defibrillator." The Examiner asserted that Benvegar et al. discloses a battery powered defibrillator device containing a large capacitor charged by battery pack 12, so that the large capacitor served as a second power supply providing power to at least one non-energy delivery circuit of the battery pack and the external defibrillator, and that at least one of the battery cells could serve as the second power supply. It is respectfully submitted that Benvegar et al. fails to teach, disclose or suggest first and second battery units wherein the second battery unit is separate from the first battery unit and electrically isolated from the first battery unit.

The Examiner further asserted that Benvegar et al. discloses a charge monitor circuit that continuously measures the amount of electrical charge input and output from the battery, and that generates an advance low battery warning when the amount of charge remaining in the battery goes below a threshold amount. It is respectfully submitted that the advance low battery warning is clearly not continuously actively indicated, since the warning is only generated when the amount of charge remaining in the battery goes below a threshold amount.

Also at column 4, lines 3-43, Benvegar et al. discloses the continuous measuring of the amount of charge input into the battery and output from the battery, and that the charge monitor IC 32 reports battery state information to the defibrillator instrument 10

or a charger maintenance system. A button 34 may be depressed to activate an LED bar graph indicating the total charge remaining in the battery cells. However, it is respectfully submitted that Benvegar et al. fails to teach, disclose or suggest an indicator to continuously actively indicate an operative status of the first battery unit, the second battery unit, and the external defibrillator.

As is explained in the specification at page 7, lines 22-27, the LED 550 flashes green to indicate that a status of components of the AED 100 is within an acceptable operating range, and if the LED 550 is not flashing, it shows that there is an error in the circuitry 500, or that the first battery unit 410 or the second battery unit 420 are depleted. In the prior art indicator device of Benvegar et al., if the low battery warning indicator fails, the user will not receive an advance warning of a failure condition of the unit or the battery, and an indication of failure of the low battery indicator would not become apparent until the button 34 is pressed to give an indication of charge in the battery cells. The continuously active status indicator of the present invention provides a substantial advantage in that it continuously and actively indicates an operative status of the first battery unit, the second battery unit, and the external defibrillator, so that when the indicator is not flashing it indicates an error condition in the first battery unit, the second battery unit, or the external defibrillator. Thus, in the present invention, the operation of the continuously active status indicator of the present invention helps insure that the defibrillator device is fully operational and ready for use, and the cessation of operation of the indicator indicates that some form of maintenance of the device is required, whereas in Benvegar et al. there is no continuous indication of a fully operational

condition, and the cessation of operation of the indicator does not insure that the device is in a fully operational condition.

Adams et al. was cited as disclosing a dual battery system for a defibrillator using two separate battery power sources and that the two separate battery power sources may be electrically isolated. However, it is respectfully submitted that Adams et al. fails to teach, disclose or suggest an indicator to continuously actively indicate an operative status of the first battery unit, the second battery unit, and the external defibrillator. It is therefore respectfully submitted that Claims 1-4, 6-7 and 10-11 are novel and inventive over Benvegar et al. and Adams et al., taken either separately or in combination, and that the rejection of Claims 1-4, 6-7, 9-11 and 13 on the grounds of obviousness from Benvegar et al. in view of Adams et al. should be withdrawn.

Claim 8 was rejected under 35 U.S.C. 103(a) on the grounds of obviousness from Benvegar et al. in view of Adams et al. and further in view of Olson et al., which was cited as disclosing self-testing of an automated external defibrillator during which battery cells 17 of a battery pack are checked. It is respectfully submitted that Benvegar et al., Adams et al., and Olson et al., whether taken individually or in combination, do not teach, disclose or suggest an indicator to continuously actively indicate an operative status of a first battery unit, a second battery unit, and an external defibrillator, as is recited in Claim 1. It is therefore respectfully submitted that Claim 8 is also novel and inventive over Benvegar et al. and Olson et al., and that the rejection of Claim 8 on the grounds of obviousness from Benvegar et al. in view of Adams et al. and further in view of Olson et al. should be withdrawn.

In light of the foregoing amendments and remarks, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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